

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

TIMOTHY W. THOMAS,

Petitioner,

vs.

WARDEN TERRANCE McDONALD and  
THE ATTORNEY GENERAL FOR  
THE STATE OF ALABAMA,

Respondents.

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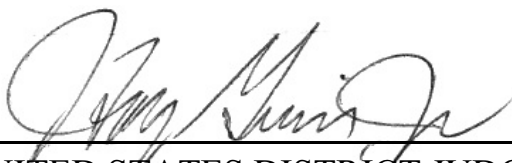
CV-05-JFG-RRR-1627-S

**MEMORANDUM OPINION**

This is a habeas corpus petition. The magistrate judge entered a report and recommendation recommending that the respondents' motion for summary judgment be granted and the action dismissed. Objections have been filed. The court has considered the entire file in this action, including the report and recommendation and the petitioner's objections to the report and recommendation, and has reached an independent conclusion that the report and recommendation is due to be adopted and approved.

Accordingly, the court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. This habeas petition is due to be dismissed. An appropriate order will be entered.

DONE and ORDERED 4 December 2006.

  
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UNITED STATES DISTRICT JUDGE  
J. FOY GUIN, JR.